

REMARKS

This Amendment, submitted in reply to the Office Action dated June 23, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-16 remain pending in the application and have been rejected under 35 U.S.C. § 103 as being unpatentable over Venable (U.S.P. 6,557,017) in view of Luo (U.S.P. 6,654,506). Applicant respectfully submits the following arguments in traversal of the prior art rejections.

Applicant's invention relates to an apparatus and method for cropping an image and synthesizing the cropped image with a template. Detailed descriptions of the exemplary embodiment are set forth in the Brief on Appeal at pages 2-3. The Examiner is referred to this description.

Turning to the cited art, Venable relates to an image processor for creating raster images of image objects in the form of a structured image to be merged with a pasteboard. This is to provide flexibility in the image processing to include size adjustment, location and orientation of an object within an image at the time of rendering. Col. 1, lines 30-35. In this connection, Figs. 8a-8b of Venable teach a background pasteboard having particular dimension. The structured image is to be designated within the pasteboard and specified by parameters such as the FitMode, Justification, Control Point and Angle of orientation. The structured image should automatically be adjusted to fit the pasteboard based on the FitMode and Justification, which is shown by the change in parameters of Store SID and After Rendering parameters for the original 60 x 60 SID shown in Fig. 9.

Luo relates to a program and system for cropping a digital image including a belief map that indicates the relative importance of photographic subjects in the image. A cropping window is positioned over the image such that a portion of the image with the largest belief value or the cumulative largest belief value sets the crop boundaries. Such belief values are determined automatically.

The Examiner contends that Venable and Luo teach or suggest each feature of independent claim 1. The Examiner correctly concedes that Venable does not teach cropping, moving a crop boundary on a screen through an operation device and displaying a crop boundary. The Examiner cites Luo to make up for these deficiencies. Applicant respectfully submits that the rejection is improper for the following four reasons.

First, as an initial matter, Applicant submits that Venable and Luo relate to fundamentally different forms of image processing. Venable relates to creation of a hierarchical structure image to receive a sub-object from one image to be modified, such as by angle, size and location onto a pasteboard. The scaling to achieve proper viewing of the structure image on the pasteboard is performed automatically and may cause a change in the shape of the boundary and the reference points thereof. See Fig. 9, for example. By contrast, Luo relates to selection of a sub-image (cropped) area from a larger image based on “belief” values of objects appearing in the larger image. Once the sub-image is extracted, the re-scaling of the image described in Venable would eradicate the viewability of the image obtained in Luo, thereby undermining a principle object of Luo. The references teach away from their combination with each other. This warrants withdrawal of the rejection.

Second, relatedly, the Examiner's proffered reason for combining Venable and Luo is to provide image attributes for size, location and angle of an object. However, the cropping in Luo already accounts for location and size adjustment (Compare Figs. 13 and 15 and Figs. 16 and 18) and angular rotation (col. 7, lines 34-36). Therefore, there is no reason to combine Luo and Venable since Luo already includes those features that the Examiner cites for the purported motivation to combine.

Third, even assuming *arguendo* that the references may be combined, their combination does not teach each feature of claim 1. Claim 1 describes displaying a crop boundary with a reference point on an image to synthesize on a screen upon selecting a **template having at least a frame, ... the crop boundary having a shape corresponding to that of the frame, ...** and pasting a cropped image in the frame of the template. Accordingly, claim 1 describes a relation between the crop boundary and the frame of the template. Contrary to the Examiner's contention, Venable does not have this relationship of elements. To the extent Venable teaches a template, the template describes a theme for a page, text, background image, background color. The template does not specify the frame, where the crop boundary has the shape corresponding to that frame. Luo does not make up for this deficiency.

Fourth, claim 1 describes maintaining the same shape (while varying the size) of the crop boundary being centered on the reference point. Applicant submits that Venable teaches that based on the fit mode, justification and center point of a structure image, the location of a center point and the relative dimensions (shape) of the structure image may change. For example, Fig.

9 shows a modified width and height of a structure image and a change in control point such that none of the above features of claim 1 are met.

Fifth, Luo (U.S. Patent No. 6,654,506) does not disclose moving a crop boundary through an operation device. In Luo moving of a crop window occurs automatically according to belief values of the image. Therefore, the combination of Venable and Luo does not teach all features of independent claim 1.

Because independent claim 5 includes features analogous, though not necessarily coextensive with the features of claim 1, claim 5 is also patentable for the reasons set forth above. Claims 6-7 are patentable on similar bases. The remaining claims are patentable based on their dependency.

With further regard to claim 2, this claim describes the reference point is located inside the boundary at a constant position relative to the crop boundary. The Examiner relies on Fig. 9 to teach this feature. However, this is incorrect because the control point is initially centered at (0.5, 0.5) and then subsequently changes to (-15, 30) which is outside the rendered crop boundary. Therefore claim 2 is patentable for this additional reason.

With further regard to claim 4, this claim describes a reference line disposed within the crop boundary, where the reference line is moved and the crop boundary is enlarged or reduced in relation to movement of the reference line. The Examiner cites the horizontal line of Fig. 10 to correspond to the reference line. However, the reference line refers to a line of the pasteboard which are merge points for structure images, and do not relate to any boundary area of a structure

image. Therefore, claim 4 is patentable for this additional reason. Claims 6 and 8 are patentable based on similar recitations.

With further regard to claim 13, this claim describes that a user selects the appropriate point of crop boundary for image synthesis. Because Venable and Luo each essentially relate to automatic image synthesis and cropping, the references would not include the use positioning of the selected point. Therefore, claim 13 is patentable for this additional reason. Claims 14-16 are patentable based on similar recitations.

Applicant adds claims 17-19 to describe features of the invention more particularly.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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